

VZCZCXRO5307  
OO RUEHCI  
DE RUEHKT #0480/01 0641219  
ZNY CCCCC ZZH  
O 051219Z MAR 07  
FM AMEMBASSY KATHMANDU  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5172  
INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 5461  
RUEHLM/AMEMBASSY COLOMBO PRIORITY 5767  
RUEHKA/AMEMBASSY DHAKA PRIORITY 0967  
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 3777  
RUEHLO/AMEMBASSY LONDON PRIORITY 5091  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 1104  
RUEHCI/AMCONSUL KOLKATA PRIORITY 3225  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 2467  
RUEKJCS/SECDEF WASHDC PRIORITY  
RHMFISS/CDR USPACOM HONOLULU HI PRIORITY  
RUEAIIA/CIA WASHDC PRIORITY  
RHEHNSC/NSC WASHDC PRIORITY  
RHEFDIA/DIA WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 000480

SIPDIS

SIPDIS

E.O. 12958: DECL: 03/05/2017

TAGS: [PGOV](#) [PREL](#) [PTER](#) [NP](#)

SUBJECT: NEPAL: PARLIAMENTARY SPEAKER HAS HANDS FULL

REF: KATHMANDU 326

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d)

Summary

-----  
11. (C) Speaker Subash Nemwang told the Ambassador March 1 that he expected the Interim Parliament to amend the Interim Constitution in two phases. The Government of Nepal (GON) was under pressure, he said, to act quickly to translate into action the promises in Prime Minister Koirala's February 7 speech to the nation on the Terai unrest (Ref A). Absent progress in the coming days in the GON's talks with protesting Tibeto-Burman ethnic minorities ("janjati"), the Interim Parliament would probably adopt a set of amendments to incorporate Madhesi concerns. It would then adopt another set of amendments once the GON reached agreement with the janjati. Nemwang explained that the GON had tabled three of the four necessary election laws but the Election Commission was still drafting the crucial one spelling out the formula and system for the Constituent Assembly election. Nemwang agreed with the Ambassador that a June election was increasingly unlikely. Leaving aside the technical problems the GON and Election Commission face in preparing for an election in only three and a half months, he doubted whether the Maoists wanted polls anytime soon.

Need to Address Madhesi Concerns Now

-----  
12. (C) In a meeting March 1, Speaker of the Interim Parliament Subash Nemwang informed the Ambassador that the Interim Parliament had established its committees and was conducting its work. Its immediate priorities were to amend the Interim Constitution and to adopt laws for the Constituent Assembly election. Nemwang anticipated amending the Interim Constitution in two stages. He said the Government and the Parliament were under pressure to act quickly to translate into law the amendments which Prime Minister Koirala had promised in his February 7 speech to the nation on the Terai unrest. Absent rapid progress in the Government's talks with janjati groups, in particular the Nepal Federation of Indigenous Nationalities -- an umbrella janjati group -- the Parliament would have no choice but to amend the Interim Constitution piecemeal. No one wanted to see the Madhesi People's Rights Forum and its allies resume

the sort of protests which had choked Kathmandu and led to so much death and destruction in January and February.

#### Two Options For Amending the Constitution

-----

13. (C) Nemwang said that there were two ways to handle amending the Interim Constitution. One was for the entire Parliament to take up the package of amendments the Government had tabled. The other was for the amendments to be referred to committee. The Speaker said that he preferred the second option to the first because a committee had much more flexibility. It could approve or reject individual provisions or re-write language. The Parliament, by contrast, could only vote the entire package up or down. Nemwang said a special committee was being constituted to review the amendments. He anticipated holding several days of general debate in the Parliament, followed by referral to the special committee. Altogether, the Speaker thought it might take a week to ten days to adopt the first package of amendments.

#### Interim Constitution Had Problems From Outset

-----

14. (C) The Speaker noted that the Interim Constitution had been flawed from the outset. He agreed with the Ambassador that one of the principal problems with the statute was that a small group of people had formulated it behind closed doors. The Parliament had then promulgated it with little debate. The Speaker pointed out that he had urged the Prime Minister, the parties and the Maoists to allow more parliamentary discussion before the Interim Constitution was

KATHMANDU 00000480 002 OF 002

adopted but had been allowed only the one day, January 15. Even so, the Members of Parliament had raised all the issues which now bedeviled the document -- the absence of checks on the Prime Minister's power, the absence of provision for an opposition, and, crucially, a failure to address adequately the concerns of Madhesi, janjati and other historically disadvantaged groups. The Ambassador remarked that the problem with the process was that no one had felt consulted in the drafting of the Interim Constitution so now all were free to criticize it.

#### Crucial Election Law Still Missing

-----

15. (C) Nemwang indicated that the Government had tabled three of the four necessary election laws but the, Electoral Commission was still drafting the key one. That law set forth the election formula, method, number of ballots, etc., for the planned Constituent Assembly election in June. Once drafted, the law would go to the Cabinet for approval before it could be tabled in the Parliament. In response to a question from the Speaker, the Ambassador stated that he was skeptical the election would take place in June. With only three and a half months left, there simply was not enough time to make it happen. The Election Commission, he noted, had said publicly it needed 90 days just to make the necessary arrangements. The Speaker nodded in agreement.

#### Unclear Maoist Gameplan

-----

16. (C) The Ambassador asked the Speaker about the recent incident in the Interim Parliament where a Maoist MP had claimed to have a gun on his person. Nemwang said he had spoken to the Prime Minister on February 28 about this and other Maoist abuses -- such as the public display of arms. The Prime Minister had promised he would talk to Maoist Supremo Prachanda and insist these violations of the peace commitments end. Unless the Maoists changed their behavior, the PM added, they would not be allowed into an interim government. The Speaker and the Ambassador agreed that it

was no longer clear whether the Maoists wanted a Constituent Assembly election, especially in light of their dimming electoral prospects. The Speaker stated that, according to one school of thought, the problems with the Maoists would disappear once they joined an interim government. They were certainly in a hurry to join. The Ambassador noted that Communist Party of Nepal - United Marxist Leninist General Secretary MK Nepal had told him the day before that he

SIPDIS

supported quick formation of an interim government with the Maoists in it.

Comment

-----

17. (C) Speaker Nemwang has his work cut out for him. He has the unenviable task of shepherding a package of constitutional amendments through the Interim Parliament quickly in the knowledge that these amendments, like the Interim Constitution which they amend, do not enjoy acceptance from the public or key groups. Informal talks continue between Government negotiators and Madhesi leaders. However, Upendra Yadav, the head of the Madhesi People's Rights Forum, has yet to agree even to sit down with the Government until Home Minister Sitaula is fired. The Government also still has no deal with the Nepal Federation of Indigenous Nationalities. The draft Constituent Assembly election law suffers from the same absence of public or key group acceptance. A June Constituent Assembly election seems a more and more remote prospect.

MORIARTY